IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 31423 of 2006(S)

AGAINST THE ORDER DATED 2-8-2006 IN IA.1889/2006 IN OP..800/2005 of FAMILY COURT, THIRUVALLA

.....

PETITIONER:

JACOB C. THAMARASSERIL,
S/O. LATE SCARIA CHERIAN, THAMARASSERIL HOUSE,
MALLAPPALLY WEST P.O., MALLAPPALLY VILLAGE,
MALLAPPALLY TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

THANKAMMA CHACKO,
REXI VILLA, MANKUZHIPADI, MALLAPPALLY VILLAGE,
MALLAPPALLY TALUK.

BY ADV. SRI.R.SANTHOSH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, ALONG WITH TPC NO.328 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.31423/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF I.A.NO.1889/2006 IN O.P.NO.800/2005 OF THE FAMILY COURT, THIRUVALLA DATED 2-8-2006.

/ TRUE COPY /

KURIAN JOSEPH & K.T.SANKARAN,JJ.

W.P(C)No.31423 of 2006 &
Tr.P(C) No.328 of 2006

Dated this the 19th day of March, 2007

JUDGMENT

Kurian Joseph,J.

Tr.P(C)No.328/2006 is a petition for transfer of O.P.Nos.507/2005, 799/2005, 800/2005 and O.P.No.60/2006 pending before the Family Court, Thiruvalla. During the pendency of this petition along with W.P(C)No.31423/2006 efforts were made before the Lok Adalat as well as before this court to have an amicable settlement of the disputes between the parties. Owing to the constraints of the required facilities before the Adalat as well as this court we do not think that this matter should be pursued any further before this court.

2. The prayer in the writ petition is for a direction to put the parties for further counseling. These are all matters for the parties to raise before the Family Court.

3. After having heard counsel on both sides we are of the view that the case can be directed to be disposed of by the Family Court

expeditiously. Accordingly the writ petition is disposed of with liberty to the petitioner to move the Family Court itself for appropriate orders in the matter of further counseling.

Tr.P.(C)No.328/2006 is dismissed without prejudice to the liberty to the parties to approach the Family Court for expeditious disposal of the case. In the event of the petition being filed before the Family Court, the matter will be duly considered by the Family Court. The parties will appear before the Family Court on 4-6-2007. Thereafter it will be open to all the parties to move the Family Court either in the matter of further counseling or for expeditious disposal of the case. Both parties agree that before 4-6-2007 the parties will not move the Family Court for any orders in the matter.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.